



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 4, 2022
(Senate)

STATEMENT OF ADMINISTRATION POLICY
S.J. Res. 55 – A Joint Resolution Providing for Congressional Disapproval of a Rule
“National Environmental Policy Act Implementing Regulations Revisions”
(Sen. Sullivan, R-AK, and 49 cosponsors)

The Administration strongly opposes passage of S.J. Res. 55, a joint resolution to disapprove “National Environmental Policy Act (NEPA) Implementing Regulations Revisions” (“final rule”). This action would slow the construction of American infrastructure, lead to the waste of taxpayer resources on poorly designed projects, and result in unnecessary and costly litigation and conflict that will delay permitting.

In particular, by disapproving the final rule, S.J. Res 55 would prevent the Federal Government from conducting efficient environmental reviews of federally funded infrastructure projects, create uncertainty and legal vulnerabilities for these projects, and eliminate the flexibility of agencies to work with communities to design projects that yield better outcomes and result in fewer costs and harms. Sound and efficient environmental reviews are critical to understanding the effects projects have on communities, allowing for public input, and providing for a sound regulatory environment to help drive responsible and sustainable infrastructure investment.

The final rule restored three core provisions of NEPA’s implementing regulations, including agency flexibility to maintain their own NEPA procedures—enabling innovation and commonsense efficiencies. The final rule also reduces conflict and litigation risk by better aligning the regulations with the NEPA statute as interpreted by Federal courts. Without this rule, projects will be caught up in more red tape, permitting delays, and legal setbacks.

The Biden-Harris Administration is fully committed to ensuring that environmental reviews are conducted in a manner that is efficient and effective, and that enables projects to be built swiftly, justly, and in the right way. That is why earlier this year the Administration put forth a Permitting Action Plan that is helping us deliver infrastructure on budget and on time. The Administration is meeting these goals by promoting efficient and effective decision-making that rests on transparency, public engagement, and robust science.

If Congress were to pass S.J. Res 55, the President would veto it.

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